

YOU ARE MORE THAN YOUR CREDIT SCORE.

NYC agrees. A new law prohibits most businesses from checking or using your credit history for employment decisions.

■ INFORMATION FOR EMPLOYEES AND JOB SEEKERS

Employers **cannot run a credit check** on you or hire another company to perform a credit check on you. If an employer asks you to sign a document so it can check your credit, it is breaking the law. Employers cannot use consumer reporting agencies or third party companies, services, and websites to examine your credit history.

Employers also **cannot ask** about your payment history or credit worthiness, credit standing, or how much credit you have. That includes credit card debt, child support, student loans, foreclosures, missed or late payments, bankruptcies, judgments, and liens. This law applies whether you are currently working or looking for a job.

Your credit **cannot be the reason** you are fired, not hired, or not promoted. Under the NYC Human Rights Law, employers are prohibited from considering credit when making employment decisions about current or potential employees.

The law does not prevent employers from otherwise looking into your background and experience to research your qualifications for a position, including asking for your résumé and references, and doing online searches (e.g., Google and LinkedIn).

■ Does the NYC Human Rights Law apply to my employer?

In most cases, yes. Employers must have four or more employees to be covered by the law, and individual owners are counted toward this number. The four employees need not work in the same location, nor all work in NYC.

■ Does the NYC Human Rights Law cover me?

In most cases, yes. Many people have rights under the NYC Human Rights Law, even if they are not full-time employees. Interns, undocumented workers, domestic workers, many independent contractors, and probationary and part-time employees all have rights under the law.

Employers are still allowed to ask about credit history, do a credit check, and use credit history in an employment decision for certain positions. These exemptions do not apply to an entire employer or industry; they only affect specific jobs. Exempt positions include:

- Police and peace officers (not private security guards); and
- Executive-level jobs with control over finances, computer security, or trade secrets.

People applying for jobs or employed as, for example, bank tellers, cashiers, movers, construction workers, salespeople, clerical and administrative staff, and restaurant and bar workers are protected under the law. Employers may not consider credit history in making employment decisions regarding any of these workers and most other types of jobs.

■ Does this law apply to housing?

No, this law affects employment only. Credit history can still be considered in decisions about renting or selling property.

■ What should I do if an employer checked my credit?

Call **311** and ask for the Commission on Human Rights. We can help you recover lost wages and other damages, and we can fine the employer for breaking the law.